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PATENT, TRADEMARK
& COPYRIGHT LAW

ROBERT B. HUGHES

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Our Fax Number: (360) 671-2489

May 6, 2003

TO: Mr. John J. Gillon, Jr.
Petitions Branch
U. S. Patent and Trademark Office

FAX: (703) 308-6916

Note to Contractor: Please match with file

FROM: Robert B. Hughes/Jane E. Powles

NUMBER OF PAGES 13 (cover sheet included)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dieter W. Blum) ArtUnit: 26332
Serial) Examiner Trieu, V.
No. 09/728,164 :
Filed: December 01, 2000)
For: METHOD AND) Attorney
APPARATUS FOR) Ref. No.: P113413
ELECTRODYNAMIC
INTRUSION

Attention: John J. Gillon, Jr.

MAIL STOP PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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Note to John J. Gillon, Jr.

Sir:

This follows our telephone conversation of today, May 6, 2003 regarding our filing a Petition Under 37 C.F.R. § 1.137(b) To Revive An Abandoned Application And Accept Late Payment Of Issue Fee On The Basis That The Delay Was Unintentional on January 30, 2003 under an incorrect serial number.

The Petition is to be filed for U. S. Patent Application S.N. 09/728,164 as noted above, not for U. S. Patent Application S.N. 09/728,633, and the Petition is enclosed for U. S. Patent S.N. 09/728,164.

Jane E. Powles
Legal Asst. to Robert B. Hughes
Hughes Law Firm, PLLC
2801 Meridian Street, Suite 201
Bellingham, WA 98225
(360) 647-1296
FAX: (360) 671-2489
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Our Fax Number: (360) 671-2489

February 10, 2003

TO: Mr. John J. Gillon, Jr.
Petitions Branch
U.S. Patent and Trademark Office

FAX: (703) 308-6916


FROM: Robert B. Hughes/Jane E. Powles

NUMBER OF PAGES 11 (cover sheet included)

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COPY FOR
09/728,633

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dieter W. Blum) ArtUnit: 26332
Serial 09/728,633 ~~103~~) Examiner Trieu, V.
No. 633)
Filed: December 01, 2000)
For: METHOD AND) Attorney
APPARATUS FOR THE) Ref. No.: P113414
SPECTRALLY
EFFICIENT ENCODING
AND DECODING OF
DISCRETE DATA INTO
AND FROM ANALOG
WAVEFORMS

FAX RECEIVED
MAY 06 2003
PETITIONS OFFICE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for 09/728,633
(Ser., Reg. or Pat. No.) is being facsimile transmitted to the Patent and
Trademark Office fax number (103) 308,6916 on the
date shown below.

JANE E. POWLES
Print name of person signing certificate

Jane E. Powles
Signature

2/10/2003
Date

BOX DAC
Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

ATTENTION: John J. Gillon, Jr.

LETTER

Sir:

This follows the telephone conference of today, Monday, February 10, 2003 with my legal assistant, Jane E. Powles regarding our filing a Petition Under 37 C.F.R. §1.137(b) To Revive An Abandoned Application And Accept Late Payment Of Issue Fee On The Basis That The Delay Was Unintentional on January 30, 2003 under an incorrect serial number.

The Petition was to be filed for U. S. Patent Application S.N. ~~09/728,164~~ as noted on the enclosed copy of the Petition filed on January 30, 2003, not for U.S. Patent Application S.N. 09/728,633.

This letter is to request that the Petition be withdrawn for U. S. Patent Application S.N. 09/728,633 and the filing fee of \$650 be refunded.

Respectfully submitted,

DIETER W. BLUM,

BY Robert B. Hughes
Robert B. Hughes, Reg. No. 19,304
Hughes Law Firm, PLLC
2801 Meridian Street, Suite 201
Bellingham, WA 98225
(360) 647-1296
FAX: (360) 671-2489

COPY**MAILING DATE: January 30, 2003**

PLEASE DATE STAMP AND RETURN TO ACKNOWLEDGE RECEIPT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE, IN RE:

PETITION TO REVIVE PATENT APPLICATION**PATENT**

Applicant	Dieter W. Blum
Serial Number	09/728,633 09/728,164
Filing Date	December 01, 2000
Title	ELECTRODYNAMIC INTRUSION METHOD AND APPARATUS FOR THE SPECTRALLY EFFICIENT ENCODING AND DECODING OF DISCRETE DATA INTO AND FROM ANALOG WAVEFORMS
Attorney Docket #	P113414 P113413
Attorney Signature	RBH:jep

Enclosed:

1. 3-page Petition to Revive with Certificate of Mailing;
2. Check for \$650 in payment for Unintentional Petition to Revive;
3. Declaration of Dieter W. Blum
4. 1 Return postcard.

Mailing Date: January 30, 2003

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BELLINGHAM, WA 98225-2412
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Bellingham, WA 98225

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PAY TO THE ORDER OF Commissioner of Patents and Trademarks

Six Hundred Fifty and 00/100

**650.00

DOLLARS

Assistant Commissioner For Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

MEMO 09/728,633; P113414; Blum Petition

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dieter W. Blum)
 Serial No. ~~09/728,633~~ 09/728,164)
 Filed: December 01, 2000)
 For: METHOD AND APPARATUS)
 ELECTRODYNAMIC FOR THE SPECTRALLY)
 INTERUSION EFFICIENT ENCODING AND)
 DECODING OF DISCRETE)
 DATA INTO AND FROM)
 ANALOG WAVEFORMS)

ArtUnit: 26332
 Examiner: Trieu, V.

Attorney
 Ref. No.: P113414
 P113413

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MAY 06 2003

PETITIONS OFFICE

BOX RESPONSE

Assistant Commissioner for Patents
 U.S. Patent and Trademark Office
 Washington, D.C. 20231

Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this document (along with any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on date shown below.

June 30, 2003
 Date
Jane E. Powles
 Jane E. Powles

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
 AN ABANDONED APPLICATION AND ACCEPT LATE
 PAYMENT OF ISSUE FEE ON THE BASIS THAT THE
 DELAY WAS UNINTENTIONAL**

Sir:

A check in the amount of \$650 is enclosed in payment of the Petition Fee. The payment of the final fee, the publication fee and also the original petition fee in the amount of \$55 have already been paid, and it is believed that no other fee is due at this time to properly present this Petition. However, if any such fee is due, please charge this to Deposit Account No. 08-3260.

On this last December 4, 2002, a Petition was filed in the above noted patent application to revive the application on the basis that the non-payment of the Issue Fee was unavoidable.

On December 9, 2002, there was a Decision mailed from the Office of Petitions, denying the Petition and stating as an alternative

that if the Petitioner is unable to make a showing of unavoidable delay, an alternative course is to file a Petition and fee and state therein that "the entire delay for filing the required reply from the due date for the reply until filing a grantable petition pursuant to 37C.F.R. §1.137(b) was unintentional."

Accordingly, this Petition is being made on the basis that the entire delay in the payment of the final fee and publication fee from the due date for the payment until filing a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The facts supporting this Petition are presented in the attached Declaration of Mr. Dieter Blum, bearing his signature with the execution date being January 13, 2003.

To summarize briefly the situation that led to the unintentional abandonment, on January 8, 2002, a mortgage foreclosure proceeding against Mr. Blum and his wife was filed by his then lawyer and supposed business partner.

About the middle of January, 2002 Mr. Blum was advised by his patent attorney (the undersigned) that he had received a Notice of Allowance in the above application and that the Issue Fee must be paid by March 12, 2002. Mr. Blum indicated to the undersigned that if he could not raise these funds by March 12, 2002, he would unfortunately have no choice but to let the application go abandoned (due entirely to the fact of his financial inability to pay). On top of this, in early March just prior to the time when the Issue Fee and the Publication Fee were due, his former lawyer took steps to attach all the main accounts of Mr. Blum and his wife on which they were depending for basic living and subsistence.


Then in the latter part of August or in September, 2002, Mr. Blum was able to generate some interest in a company who later established a business relationship with Mr. Blum to do further development on the subject matter of the above application. That has now been accomplished, and Mr. Blum has instructed the undersigned to initiate the necessary Petition to Revive the application on the basis that the delay was unintentional.

The cooperation of Mr. Gillon of the Petitions Branch in advising the undersigned on these procedures is greatly appreciated. If there is any additional information needed or if there are any other items that need attention, and if consultation with the undersigned would be of benefit, such consultation would be welcome.

Signed at Bellingham, County of Whatcom, State of Washington this January 30, 2003.

Respectfully submitted,

DIETER W. BLUM.

By 
Robert B. Hughes, Reg. No. 19,304
Hughes Law Firm, PLLC
2801 Meridian Street, Suite 201
Bellingham, WA 98225
(360) 647-1296
Fax (360) 671-2489

Jan 13 03 11:22a

Dieter W. Blum

604-857-5071

P. 1

Jan-13-2003 10:22

From-HUGHES LAW FIRM PLLC

3606712489

T-511 P.002

F-891

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dieter W. Blum) Art Unit: 26332
 Serial ~~09/728,633~~ 09/728,164) Examiner: Tieda, V.
 No.
 Filed: December 01, 2000)
 For: METHOD AND) Attorney
 APPARATUS FOR THE) Ref. No.: P113414
 SPECTRALLY- P113413
 EFFICIENT ENCODING
 AND DECODING OF
 DISCRETE DATA INTO
 AND FROM ANALOG
 WAVEFORMS

ELECTRO-
DYNAMIC
INTRUSIONFAX RECEIVED
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DECLARATION

I, Dieter Blum, having a home address of 5115 - 244th Street,
 Langley, British Columbia, V2Z 1G5, state and aver the following:

1. I am the Dieter W. Blum who is the applicant in U. S. Patent --
 Application 09/728,164 filed December 31, 2000, entitled "METHOD
 AND APPARATUS FOR ELECTRODYNAMIC ENTRUSION DETECTION"
2. For the last 25 years I have made my living primarily as a
 technical consultant doing research and development work for various
 clients. My research and development laboratory is located in my
 home residence. In approximately the Fall of 1998, I entered into what
 I believed to be a business relationship with the person who was then
 acting for me as my lawyer. I was very surprised when on

Jan 13 03 11:22a

Dieter W. Blum

3606712488

T-511 P.003

F-881

Jan-13-2003 10:23

From-HUGHES LAW FIRM PLLC

January 8, 2002, my lawyer and supposed business partner started a mortgage foreclosure proceeding against my wife and myself with respect to our home residence which (as indicated above) is also the location of my research and development laboratory. The foreclosure on my home would be devastating not just to the personal life of my wife and myself, but also economically since our residence is also a place of business where I do my research and development work. It became necessary for me to immediately to direct my efforts and financial resources toward preventing this mortgage foreclosure, and I was in large part unable to even meet current basic living expenses.

3. About mid-January of 2002 I was advised by my attorney, Mr. Robert B. Hughes, that he had received a Notice of Allowance in the above noted application, and that the issue fee must be paid on March 12, 2002. At that time I advised Mr. Hughes that I would likely not be able to generate any funds or make any payments toward this issue fee, and that if I could not raise these funds by March 12, 2002, I would unfortunately have no other choice than to let the patent application go abandoned (due entirely to the fact of my financial inability to pay the issue fee).

4. I had indicated to Mr. Hughes that if I could manage to raise the funds to pay the issue fee, I would let him know on or before the due date of March 12, 2002. However, just prior to that time, in early March of 2002, my former lawyer who had started the mortgage foreclosure now took steps to attach my main accounts receivable

Jan 13 03 11:23a

Dieter W. Blum

604-857-5071

p. 3

Jan-13-2003 10:23

From-HUGHES LAW FIRM PLLC

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T-611 P.004

F-891

upon which my wife and I now were depending upon for our basic living and subsistence, and subsequently obtained an Injunction against me. These accounts specifically consisted of several Scientific Research and Experimental Development funds due to me and my R & D firm for expenditures incurred in relation to R & D conducted in respect to the present invention and several others.

5. I, myself, and my R & D firm had devoted substantial effort, resources and expenditures over the period of 1998 through late 2001 on the present invention on which the above noted patent application was filed, to provide sufficient subsistence cash flow for the better part of 2002. However, in view of the impending mortgage foreclosure and the injunctions freezing my sources of income, all this done by the actions of my former attorney, my wife and I were faced with losing our home residence and my working laboratory and had no choice but to eliminate any expenditures which were not absolutely necessary to our present survival. However, it had always been my intention to pursue the invention which is the subject matter of the above application as soon as I could find sufficient funds to do so.

6. In the latter part of August or the early part of September, I did generate interest in a company which later established a business relationship with me to do further development work on the invention of the above noted application, and was willing to advance funds toward this. During that time, from early August to about early December, I myself was personally strapped for finances to the extent I

Jan 13 03 11:23a

Dieter W. Blum

604-857-5071

P.4

3606712488

T-611 P.005

F-881

Jan-13-2003 10:23

From-HUGHES LAW FIRM PLLC

still could not see the way to pay these fees out of my own earnings. Accordingly, with this more recent financial backing of the development of the invention of the above noted patent application, the funds now became available, and it is my strong desire to have this patent application reinstated and to continue with the development of the invention.

I, Dieter W. Blum, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

EXECUTED this 13th day of January, 2003.



Dieter W. Blum

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